

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES K. JOHNSON)	CASE NO. 2:05cv01138
)	
Plaintiff)	JUDGE HOLSCHUH
)	
vs.)	
)	<u>ANSWER OF DEFENDANT,</u>
YUM! BRANDS, INC. et al.)	<u>TACO BELL CORP.</u>
)	
Defendants)	

Now comes Defendant, Taco Bell Corp. (“Taco Bell”), and for its Answer to the Complaint states:

1. Paragraph 1 of the Complaint is denied for want of knowledge or information sufficient to form a belief.
2. Taco Bell admits that it is a wholly owned subsidiary of Yum! Brands, Inc. having its principal office in Irvine, California. The remaining allegations set forth in Paragraph 2 of the Complaint do not refer to this answering Defendant and therefore no response is required.
3. Paragraph 3 of the Complaint is denied.
4. Taco Bell admits that this Court has subject matter jurisdiction, and denies all other allegations set forth in Paragraph 4 of the Complaint.
5. Taco Bell admits that venue is proper, and denies all other allegations set forth in Paragraph 5 of the Complaint.

6. Paragraph 6 of the Complaint is denied for want of sufficient knowledge or information.
7. Taco Bell admits that in early January 2005, Defendant McGraw was the Store Manager of the Taco Bell restaurant located at 2408 Stringtown Rd., Grove City, Ohio, and denies all other allegations set forth in Paragraph 7 of the Complaint.
8. Paragraph 8 of the Complaint is denied for want of sufficient knowledge or information.
9. Paragraph 9 of the Complaint is denied.
10. Paragraph 10 of the Complaint is denied.
11. Paragraph 11 of the Complaint is denied.
12. Taco Bell admits that a white female claimed by Plaintiff to be his girlfriend requested and was given an employment application, and denies all remaining allegations set forth in Paragraph 12 of the Complaint.
13. Paragraph 13 of the Complaint is denied.
14. Paragraph 14 of the Complaint is denied.
15. Paragraph 15 of the Complaint is denied.
16. Paragraph 16 of the Complaint is admitted.
17. Taco Bell admits that the Equal Employment Opportunity Commission issued a right to sue letter to Plaintiff. Answering further, Taco Bell states that Exhibit A attached to the Complaint speaks for itself.

18. In response to Paragraph 18 of the Complaint, Taco Bell realleges and incorporates herein its previous responses to Paragraphs 1 through 17 as if fully rewritten herein.
19. Paragraph 19 of the Complaint is denied.
20. Paragraph 20 of the Complaint is denied.
21. Paragraph 21 of the Complaint is denied.
22. Paragraph 22 of the Complaint is denied.
23. In response to Paragraph 23 of the Complaint, Taco Bell realleges and incorporates herein its previous responses to Paragraphs 1 through 22 of the Complaint as if fully rewritten herein.
24. Paragraph 24 of the Complaint is denied.
25. Paragraph 25 of the Complaint is denied.
26. Paragraph 26 of the Complaint is denied.
27. Paragraph 27 of the Complaint is denied.
28. Paragraph 28 of the Complaint is denied.
29. Taco Bell denies each and every allegation in the Complaint not specifically admitted herein.

Affirmative Defenses

30. Plaintiff's Complaint fails to state a claim against Taco Bell upon which relief can be granted.
31. Plaintiff's claims are barred by the doctrines of waiver and/or estoppel.

32. Plaintiff's claims are barred or limited by the provisions of 42 U.S.C. §2000e et seq. and/or Ohio Revised Code Chapter 4112.

33. Plaintiff's damages, if any, were caused by Plaintiff's own conduct and/or circumstances other than those alleged in Plaintiff's Complaint.

34. Plaintiff has failed to mitigate his damages, if any.

WHEREFORE, having fully answered, Defendant, Taco Bell Corp., prays that the Complaint be dismissed with prejudice at Plaintiff's cost and for such other and further relief as is just and equitable upon the premises.

Respectfully submitted,

s/Timothy M. Bittel
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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2006, a copy of the foregoing *Answer of Defendant, Taco Bell Corp.* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Timothy M. Bittel
Timothy M. Bittel (0011410)